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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,458	08/14/2000	ANDREAS SASSE	RBL0064	3399

7590

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/600,458

Applicant(s)

SASSE, ANDREAS 

Examiner

Sujatha Sharma

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen [WO 97/32439] in view of Segur [US 6,21,550].

Regarding claim 1, Lehtonen discloses a communication network terminal supporting a plurality of applications (See page 2, lines 11-22). Further, Lehtonen discloses a terminal assisted menu presentation of various services, which are executed and loaded into the mobile station from service providers/value added service nodes via the wireless interface. (See page 13, line 15- 38). Lehtonen however does not disclose a method of verifying the technical capability of the communicating device and further the application/object adapting to the technical capability of the communication device that has requested the object/application.

Segur teaches this limitation where the server receives a request from the user and the server converts the message into a suitable format that can be supported by the user device before transmitting to the user device. For example, video mail messages are converted so that only the audio is translated into text and sent to the mobile device. See column 3, lines 35-65.

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Lehtonen and Segur are combinable since they are from the same field of endeavor, i.e., multi-format communication client-server system. At the time of invention, it would have been obvious to one with ordinary skill in the art to provide the teachings of Segur to Lehtonen in order to launch the applications that can be handled by technical capability of the communication device.

Regarding claims 2 and 3, Lehtonen further discloses a method where the applications/objects are loaded via the aerial interface. Lehtonen further discloses a method where the applications are loaded and modified by the operators via wireless interface. See Fig. 2, page 3 and page 14, lines 2-17.

Regarding claim 4, Lehtonen further discloses the method of displaying the applications/objects in a menu application. See page 14, lines 2-41.

Regarding claim 5, Lehtonen further discloses a method where an application enables the response to a query by means of loading a new object/application in dependence of the action previously executed. See page 11, lines 28-38.

Regarding claim 6, Lehtonen further discloses a method where the applications are stored in a central database/server and is loaded into the mobile station. See page 3, lines 20-23.

Regarding claims 7 and 8, Lehtonen further discloses a method where the applications are loaded and stored both in the permanent memory of the mobile terminal as well as in a memory of an external smart card such as a SIM (subscriber identity module) card. See page 29, lines 20-33.

Regarding claim 9, Lehtonen further discloses the method of transferring, activating, modifying and updating taking place via SMS/GPRS. See page 3, line 4-page 4, line 11.

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Regarding claim 10, Lehtonen further discloses a method where keys/combination of keys are allocated by the applications to indicate functions of Value added services. See page 21, lines 1-31

Regarding claims 11 and 12, Lehtonen further discloses a method where the loading of the application(s) is carried out by selected events initiated by the subscriber. See page 3 and page 11.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Kloba discloses a system, method and computer program product for customizing channels, content, and data for mobile devices.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Sujatha Sharma  
April 9, 2003

  
DWAYNE BOST  
SUPERVISORY PATENT EXAMINER  
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